



## Notes for Appellants

Form UT12 (Traffic Commissioner and Department of the Environment in Northern Ireland [DoENI]) appeals

**These notes should be read whilst completing the application form to appeal** to the Upper Tribunal against a decision of the Traffic Commissioner or Department of the Environment in Northern Ireland.

The Administrative Appeals Chamber is part of the Upper Tribunal and its jurisdiction includes deciding appeals from decisions of the Traffic Commissioners and Department of the Environment in Northern Ireland. The Upper Tribunal consists of specialist judges appointed by the Queen. Some are also judges in the Courts, including the High Court.

**Form UT12** is to be used for applying to the Upper Tribunal to appeal against a decision the Traffic Commissioner or the Department of the Environment in Northern Ireland. This includes appeals made to the Transport Tribunal under the Transport (Scotland) 2001 Act.

**Form UT12** should be sent to the Upper Tribunal (Transport) office so that it is received no later than **1 month** after the date the Traffic Commissioner's or the Department of the Environment's decision. If you are late, you must explain why in **Part H** of the form.

### Before you use Form UT12

**You must have received a decision from the Traffic Commissioner or the Department of the Environment in Northern Ireland before you can appeal to the Upper Tribunal.**

### Part A – Type of case

Most of the Traffic Commissioner and the Department of the Environment in Northern Ireland's work in the Upper Tribunal consists of appeals against decisions relating to Heavy Goods Vehicles, goods operators ('O' licences), operating centres and - for Traffic Commissioners only - Public Service Vehicles i.e. bus operators and services (PSV licences).

### Part B – About the Appellant

We use the word **appellant** to describe a person who is making an appeal to the Upper Tribunal.

## Part C – About the Appellant’s solicitor or other representative

A **representative** is someone who is helping the appellant, dealing with the correspondence and representing them at any hearing. If you have a representative, you should give their details in the boxes provided in this section, including their status (e.g. solicitor, accountant, consultant, etc). The Upper Tribunal office will then correspond only with your representative.

## Part D – Details about other parties (if any)

Provide details of the other parties, if any

## Part E – Details of the original decision appealed against

Provide details of the original Traffic Commissioner’s or Department of the Environment in Northern Ireland’s decision. Include the Traffic Commissioner’s or Department of the Environment in Northern Ireland’s case number, date of the decision and the name of the traffic area office if appealing against a Traffic Commissioner’s decision.

You must appeal to the Upper Tribunal within **1 month** of the decision made by the Traffic Commissioner or Department of the Environment in Northern Ireland.

## Part F – Grounds of appeal

You must provide full written grounds of appeal in support of your application. Use the box provided on the form or a separate sheet of paper if necessary. If you use a separate piece of paper, make sure it has your name and the licence number on it.

## Part G – Stay of decision

If the Traffic Commissioner or the Department of the Environment in Northern Ireland has made an order against which you could appeal, the order will normally come into force when ordered irrespective of the appeal. You can apply to the Commissioner or Department of the Environment in Northern Ireland to suspend the effects of his/her order until the appeal is decided. If the Commissioner or Department of the Environment in Northern Ireland refuses a stay, you can apply to the Upper Tribunal to suspend the effects of the Commissioner’s or the Department of the Environment in Northern Ireland order until the time limit for appealing has expired or until the appeal is disposed of.

You should be prepared to supply full reasons for the proposed stay.

Stays are dealt with as a matter of urgency. In your own interests you should send any stay application to the Upper Tribunal as soon as possible after the Traffic Commissioner has refused it. **A copy of the Traffic Commissioners’ or the Department in Northern Ireland’s stay decision must be sent with your application for stay.**

**You can only apply to the Upper Tribunal for a stay if the Traffic Commissioner or the Department in Northern Ireland has refused it.**

## **Part H – Extension of time**

If your appeal to the Upper Tribunal is late, you must show a good reason for the Upper Tribunal to accept your appeal. If your appeal was late or because you did not have a written statement of reasons it will only be admitted if the Upper Tribunal considers that it is in the interests of justice to do so. In any event **you must explain the delay**. The Upper Tribunal may take into account the length of the delay, and other matters such as the issues at stake, the potential importance of the case, etc., so you can also mention these as reasons. Use the box provided on the form or a separate sheet of paper if necessary. If you use a separate piece of paper, make sure it has your name and the licence number on it.

## **Part J – Declaration**

The appeal form must be **signed** and **dated** by the appellant. The **status** of the appellant must also be shown in the box provided.

## **Sending Form UT12 to the Upper Tribunal**

Keep these notes in a safe place so that you have a record of the address of the Upper Tribunal Office.

Send **Form UT12**, and the documents listed at the end of the form, to the Upper Tribunal (Transport) office within the **1 month** allowed (see the notes to **Part E (II)** above). **If you are late**, you can still send in your form but you must explain the delay in **Part H** of the form.

All appeals against a decision of the Traffic Commissioner must be sent to the address below: –

The Upper Tribunal Office  
Traffic Commissioner Appeals  
5th Floor, Rolls Building  
7 Rolls Buildings  
Fetter Lane  
London  
EC4A 1NL

DX 160042 STRAND 4

All appeals against a decision of the Department of the Environment in Northern Ireland must, in the first instance, be sent to the address below: –

The Upper Tribunal (Transport)  
Tribunal Hearing Centre  
2nd Floor, Royal Courts of Justice  
Chichester Street  
Belfast  
BT1 3JF

**You must enclose the documents listed at the end of the form. Otherwise, your application or appeal may be delayed or may not be admitted.**

Contact the office if you are not told within a week that the form has been received.

These notes should be read whilst completing the Notice of Appeal Form. We also have a series of leaflets which provide guidance on the appeals process which are available by request or by downloading from our website at [www.tribunals.gov.uk](http://www.tribunals.gov.uk). If you need this form in an alternative format e.g. large font, Braille or in Welsh Language, or require hard copies of our leaflets, please telephone 020 7947 7422.